

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Sheila S. Lang,

Civil No. 08-5880 (DWF/JJK)

Plaintiff,

v.

ORDER AND MEMORANDUM

Michael J. Astrue,
Commissioner of the Social
Security Administration,

Defendant.

Neut L. Standemo, Esq., Strandemo Sheridan & Dulas, PA, counsel for Plaintiff.

Lonnie F. Bryan, Assistant United States Attorney, United States Attorney's Office,
counsel for Defendant.

The above matter came before me on the motion of the Defendant to enlarge the time in which to file a response to the Magistrate Judge's Report and Recommendation. (Doc. No. 23.) The motion is opposed by the Plaintiff. (Doc. No. 26.)

Based upon the submissions and presentations of the parties, the Court having reviewed the procedural history of the file, and the Court being otherwise duly advised in the premises, the Court hereby enters the following:

ORDER

1. Defendant's motion is **GRANTED**. The Defendant shall have until September 17, 2009, to respond.

Dated: September 1, 2009

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge

MEMORANDUM

The Court has reluctantly granted the Defendant's motion. The Court is not unmindful that this may be the first time in over 25 years that counsel for the Plaintiff has found it necessary, in the best interests of his client, to oppose Defendant's request for an extension of time. Moreover, it is quite likely that Plaintiff and her family have lived under the shadow of the debt in question from the alleged overpayments since April 23, 2004, as alleged by her counsel. The Court recently made a decision in a Social Security case, albeit a Social Security disability issue, in which it commented on the issues of delay and the effects of delay on plaintiffs which often go unnoticed by parties, including the Court.¹

Notwithstanding the Court's concerns about the length of time this case has been pending and its procedural history, and given the date of September 17, 2009 that the

¹ *Contreras v. Astrue*, Civil No. 08-1196 (DWF/JJK), Doc. No. 23 (D. Minn. Aug. 26, 2009).

Defendant has requested, the Court has granted the motion. The Court will balance any adverse effect this additional extension has on the Plaintiff by ruling in an expeditious fashion once the final submissions are made.

D.W.F.